

**ORIGINAL**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FILED IN CLERK'S OFFICE  
U.S.D.C. Atlanta

WAYNE JOHNSON,

Plaintiff,

v.

SUNRISE CREDIT SERVICES,  
INC., a New York corporation,

Defendant.

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CIVIL ACTION FILE

NO. 1:08-cv-01912

JUN - 2 2008

JAMES N. HATTEN, CLERK  
By: *[Signature]* Deputy Clerk

**RWS**

**COMPLAINT FOR DAMAGES**

**INTRODUCTION**

1. This is an action for damages against the defendant for violations of the Federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq.

**SUBJECT MATTER JURISDICTION**

2. Subject matter jurisdiction in this Court is proper pursuant to 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337 (federal question jurisdiction).

### **PARTIES AND PERSONAL JURISDICTION**

3. Plaintiff is a resident of this State, District and Division who is authorized by law to bring this action.
4. Defendant, SUNRISE CREDIT SERVICES, INC., is a corporation formed under the laws of the State of New York. [Hereinafter, said defendant is referred to as "SUNRISE."]
5. SUNRISE is subject to the jurisdiction and venue of this Court.
6. SUNRISE may be served by personal service upon an authorized agent or officer at its principle place of business to wit: 260 Airport Plaza, Farmingdale, New York, 11735.
7. Alternatively, SUNRISE may be served by personal or substitute service pursuant to the Federal Rules of Civil Procedure and, as applicable, the laws of the States of Georgia or New York.

### **FACTS COMMON TO ALL CAUSES**

8. SUNRISE uses telephone communications in its business.
9. The principle purpose of SUNRISE's business is the collection of debts.

10. SUNRISE regularly collects or attempts to collect debts owed or due, or asserted to be owed or due, another.
11. SUNRISE is a debt collector subject to the provisions of the Fair Debt Collection Practices Act.
12. In the course of attempting to collect a debt allegedly due from Plaintiff to a business not a party to this litigation, SUNRISE communicated with Plaintiff in a manner which violated the Federal Fair Debt Collection Practices Act.
13. In or around February, 2008, an agent of SUNRISE left a voice message for Plaintiff requesting a return call.
14. In the phone message, the caller did not identify the company he worked for.
15. In the phone message, the caller did not state that the communication was from a debt collector.
16. In the phone message, the caller did not state that the communication was an attempt to collect a debt.
17. Defendant's communications violate the Fair Debt Collection Practices Act.
18. Plaintiff has complied with all conditions precedent to bring this action.

**CAUSE OF ACTION**

**COUNT ONE: FAIR DEBT COLLECTION PRACTICES ACT**

19. The acts of Defendant constitute violations of the Fair Debt Collection Practices Act.
20. Defendant's violations of the FDCPA include, but are not limited to, the following:
  21. The placement of telephone calls without meaningful disclosure of the caller's identity, in violation of 15 U.S.C. § 1692d(6);
  22. The use of any false, deceptive, or misleading representations or means in connection with the collection of any debt, in violation of 15 U.S.C. § 1692e; and
  23. The failure to disclose in subsequent communications that the communication is from a debt collector, in violation of 15 U.S.C. § 1692e(11).
24. As a result of the defendant's actions, the plaintiff is entitled to an award of statutory damages, as well as an award of costs and attorney fees.

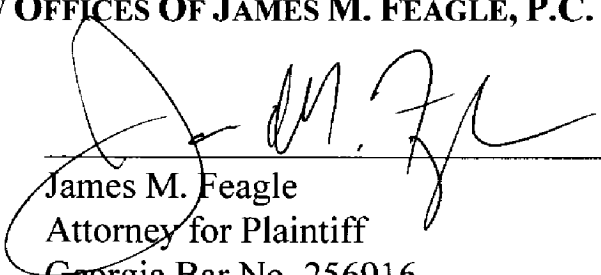
WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS THAT  
JUDGMENT BE ENTERED AGAINST DEFENDANT AND IN FAVOR OF  
PLAINTIFF, AS FOLLOWS:

- a) That Plaintiff be awarded statutory damages;
- b) That Plaintiff be awarded the expenses of litigation including a  
reasonable attorney fee;
- c) That the Court declare each and every defense raised by Defendant to  
be insufficient; and
- d) That the Court grant such further and additional relief as is just in the  
circumstances.

Respectfully submitted,

**THE LAW OFFICES OF JAMES M. FEAGLE, P.C.**

by:



James M. Feagle  
Attorney for Plaintiff  
Georgia Bar No. 256916

108 East Ponce de Leon Avenue  
Suite 204  
Decatur, GA 30030  
404 / 373-1970  
jimfeagle@aol.com